

## **Minutes Planning & Zoning Commission January 13, 2004**

The Planning & Zoning Commission Pre-Session was held in the Development Services Conference Room (Garden Level – East Side), 31 East Fifth Street.

**Present:**

Charles Huellmantel, Chairman  
Tom Oteri  
Ron Collett  
Vanessa MacDonald  
Peggy Tinsley  
Alan Beaudoin

**(MEMBERS) Absent:**

Mike DiDomenico, Vice-Chairman  
Michael Crusa  
Darin Sender

**City Staff Present:**

Steve Venker, Planning & Zoning Manager  
Hector Tapia, Senior Planner  
DeeDee (D<sup>2</sup>) Kimbrell, Planner II  
Ryan Levesque, Planning Tech  
Fred Brittingham, Contract Planner  
Jan Koehn  
Cliff Mattice

**Guests Present:**

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**Meeting convened at 6:20 p.m.**

- Agenda Items:
  - Buggy Bath Car Wash, #SGF-2004.01
  - University Properties, SBD-2003.103
  - Zoning and Development Code – Ordinance 2003.36, #ZON-2003.19

There was general discussion about draft zoning and development code topics, including PAD flexibility, recreational vehicle parking in neighborhoods, consanguinity, property owner's notification about violations, and unrelated persons living in the same dwelling.

**Meeting adjourned at 6:40 p.m.**

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**The regular meeting of the Planning & Zoning Commission was held on January 13, 2004, at the City Council Chambers, 31 East Fifth Street. Meeting convened at 7:00 p.m.**

**Present:**

Charles Huellmantel, Chairman  
Mike DiDomenico, Vice-Chairman  
Tom Oteri  
Ron Collett  
Vanessa MacDonald  
Peggy Tinsley  
Alan Beaudoin

**(MEMBERS) Absent:**

Michael Crusa  
Darin Sender

**City Staff Present:**

Steve Venker, Planning & Zoning Manager  
Hector Tapia, Senior Planner  
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**Guests Present:**

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Charles Huellmantel opened the meeting, reviewed the items on the agenda, and consent item.

**CONSENT AGENDA**

On a motion by Commissioner Collett, seconded by Commissioner DiDomenico, the Commission with a vote of 7-0 took the following action:

1. **Agenda Item 2.** **Approved** the request by **UNIVERSITY PROPERTIES** (Lawrence Kates, property owner) **#SBD-2003.103** for an amended Final Subdivision Plat consisting of two (2) lots on 4.14 net acres, located at 1938 East Apache Boulevard.

**REGULAR AGENDA**

2. **Agenda Item 2.** Hold a public hearing for **BUGGY BATH CAR WASH** (Joel T. Higginbotham, property owner, Desert Mountain Associates, applicant) **#SGF-2004.01** for an Amended General Plan of Development for Capistrano Village Commercial Center consisting of 23,566 square feet on 5.00 net acres, and a Final Plan of Development for Buggy Bath Car Wash consisting of 5,320 square feet on 1.19 net acres, located at 1836 East Elliot Road, including the following:

Use Permit:

Allow a car wash business in the PCC-1 Zoning District.

Variance:

Reduce the required building setback from 40 feet to 24 feet along the west side property line of Lot 3.

Robert Ivory introduced request, described neighborhood meeting and resulting revisions of site plan, described hours of operation using charts and graphics and date.

Chairman Huellmantel asked for questions or comments from the Commissioners.

There was discussion about site layout of the carwash compared to other carwash properties, noise levels generated by equipment, users, radios, user's costs for a carwash, times of use and days of use by customers, other carwashes that have "quiet" equipment.

Chairman Huellmantel called to audience

Residents Michael Colburn and Art Becker, and Bob Russo, President of Oasis Homeowners Association, all expressed concerns about the lack of notice about neighborhood meetings, the affect this project will have on property values, appropriate zoning for this use, unsupervised for majority of the time, location adjacent to residential, carwash users involved in criminal activities and proximity to neighborhood park, and observations of young customers that play loud music and have "an attitude" when using carwashes. Mr. Russo offered to provide data about carwashes from the Tempe Police Department.

Commissioner DiDomenico indicated that a use permit is required for all carwash uses in all zoning districts, proposed variance benefits the neighborhood by allowing building to shift to the west away from residential, and there is a need to have substantive information to support the concerns expressed by neighbors.

Charles Wood, President of Capistrano Homeowners Association, described the effort and showed the letter that was sent to homeowners in Capistrano, and explained that the meeting was a special meeting for the carwash topic and not a regular HOA board meeting. The attendance was 6 homeowners and 5 board members. Mr. Wood expressed his support for the proposal if it complies with regulations.

There was clarification given by staff about the location and height of the existing and proposed walls along Kachina Drive.

Bob Russo described the existing walls, described the results of internet research about carwashes and the crimes that have occurred at other locations, described his attendance at the HOA meeting about the carwash, described his visits to other carwashes and showed photos of them, and again expressed concerns about potential customers that might use the carwash as an opportunity for criminal activity.

There was discussion about priority of concerns relating to noise, crime, hours of operation, supervision at the site, noise from other businesses in the shopping center. Mr. Russo clarified that the whole package was important and that there was no specific priority for concerns. He considers past performance as an indicator of future trend.

Allison Aguilar lives near the neighborhood park and expressed concerns about loitering and other activities in the park and the effect on the neighborhood children, and also concerned about unsupervised carwash and hours of operation. Consider closing at nighttime hours due to low activity based on data from Mr. Ivory. Also, Kachina Drive is used by cut-through traffic now and may get worse.

Discussion on the affects that neighboring 24-hour businesses had on usage of the neighborhood park, weekend activity in the park, the wall locations and heights along Kachina Drive, and cut-through traffic.

There was discussion about the proposed wall, 10 feet tall, as a sound and visual buffer, noise that can be heard from Sun Devil Auto Repair and the visibility of the carwash site as neighbors drive by on Elliot Road.

Lynn Becker used photographs to describe an incident that police responded to at the carwash at the SEC of Dobson Road and University Drive, and expressed concerns about crime incidents that may occur at this proposed carwash due to lack of supervision on site.

Gary Cordoba described his experience at a carwash in Tempe at the NEC of 48th Street and Southern where he witnessed an assault and purse snatching incident, described his experience at his residence across from the neighborhood park, activities he has observed, described a burglary at his residence, described conversation with Tempe Police officers and their comments about carwash uses that are utilized by "car club" members from outside the neighborhood.

Chairman Huellmantel called Mr. Ivory for rebuttal, who responded to the photo images indicating that the abandoned car has been removed, broken walls will be removed by new development on that site, peeling paint is a mistake by previous owner so ceiling materials will be replaced, pothole in pavement will be repaired by contractor, and noise can be reduced by "quiet" equipment. Mr. Ivory indicated that there is no statistical basis that "carwashes attract crime", hours of operation, business is always open, no money used only tokens, money is in safe, crime activities are limited, described history of other carwash sites and surrounding land uses.

There was discussion about police reports related to other carwashes, other calls for service, criminal damage or vandalism, trade association information about crime incidents, methods of monitoring site with video cameras when unsupervised, a lack of a guarantee that problems will not occur, expectations of hours of use by customers, demographics for this self serve carwash is upper middle class, close to residential, restaurants, grocery store, gas station. This site fits that demographic basis, consideration of limiting business hours to be closed after 10 PM, need to study other solutions such as gates to limit the use.

There was discussion about the neighborhood petitions and attendance at the P & Z Commission hearing needs to be listened to and satisfied before P&Z will support request. Consider a continuance to work with neighbors to resolve issues, security plan, hours of operation and annual review may be items to include as conditions of approval. In response to an inquiry as to why not build a full service automatic carwash? The site is too small.

**MOTION:** Commissioner DiDomenico moved to continue item to February 10, 2004, with direction to staff and applicant to discuss a security plan, have a neighborhood meeting, and study design considerations.

**SECOND:** Commissioner Tinsley

**Discussion:**

Commissioner Collett will not support the proposal because it is not a good location. Chairman Huellmantel indicated a continuance will allow time for answers to the questions of compatibility

**DECISION:** Passed 6-1 (Commissioner Collett dissenting)

The Commissioners took a short recess at 9:30 p.m. and reconvened at 9:38 PM.

**3. Agenda Item 3.            ZONING AND DEVELOPMENT CODE - Ordinance 2003.36 #ZON-2003.19    Note: Continued from the December 9, 2003 public hearing.**

Chairman Huellmantel called to the audience. Commissioner Sender joined the others on the dais.

Susan Gilstrap, representing the Arizona Multihousing Association, read from written comments about limiting the use of boutique signs, allowing more lead-in signs, allowing more significant event signs, advertising signs for lease-up efforts, increasing density and lot coverage, reducing parking ratios, and modifying crime prevention standards.

There was discussion about the time frame for use of advertising signs for 12-18 months, clarification about the use of boutique signs, need for flexibility with crime prevention standards, and additional comments will be forthcoming from the Arizona Multihousing Association relative to density and lot coverage.

Darlene Justice referred to written information she submitted to the P&Z Commission about her concerns with accessory dwelling units, including affects on increased density, increased crime, decreased property values, and increased alley traffic. Other concerns include the relationship between the Tempe General plan 2030 and the Zoning and Development Code and the implications of increased density in GP2030 that will lead to zoning district changes.

Kirby Spitler commented on public comments and urged the Commission to consider them carefully before making recommendations to City Council. He commented on the need for a public hearing for all subdivision replat requests, and commented on the need to include sustainability as a concept throughout the draft zoning and development code process.

Michael Waxman commented about the need to have code provisions relative to living quarters for elder parents and relatives in Single Family Residential districts.

Steve Petrie submitted written comments about provisions for amateur radio operators and antennas.

Rich Nolan clarified his previous comments relative to communication between Citizens Advisory Committee and OTAK, accessibility items that he reviewed with Planning staff, recommended that Americans with Disabilities Act Guidelines should be included in the appendix of the zoning and development code, the percentage of Tempe residents with disabilities is 15%, and expressed concern that the zoning and development code does not achieve the accessibility goals of the GP2030.

**MOTION:** Commissioner DiDomenico moved to continue discussion to February 10, 2004

**SECOND:** Commissioner Oteri

**DECISION:** Passed 8-0

Commissioner DiDomenico suggested and the Commission consented to another work session about the zoning and development code.

**MOTION:** Commissioner Tinsley moved for a work session on February 7, 2004 from 9 AM - 2 PM at City Council Chamber

**SECOND:** Commissioner DiDomenico

**DECISION:** Passed 8-0

**Meeting adjourned at 10:45 p.m.**

Prepared by: Hector Tapia and DeeDee Kimbrell

Reviewed by: Steve Venker, Planning & Zoning Manager

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Steve Venker  
Planning & Zoning Manager